

EXPRESS MAIL CERTIFICATE

Date 9/22/00 Label No. EL003316715US

I hereby certify that, on the date indicated above I deposited this paper or fee with the U.S. Postal Service and that it was addressed for delivery to the Commissioner of Patents & Trademarks, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

Mei Kyle Mei Kyle
Name (Print) Signature

FILE NO.: 135555-0262

**DECLARATION
AND POWER OF ATTORNEY
Continuing Application**

As a below named inventor, I declare that the information given herein is true, that I believe that I am the original, first and sole inventor if only one name is listed at 1 below, or a joint inventor if plural inventors are named below, of the invention entitled:

CORDLESS SURGICAL HANDPIECE WITH DISPOSABLE BATTERY; AND METHOD

which is described and claimed in:

☒ the attached specification

that I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with 37 CFR §1.56(a), and that no application for patent or inventor's certificate on this invention has been filed by me or my legal representatives or assigns in any country foreign to the United States of America except as identified below. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

**FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS
PRIOR TO THE FILING DATE OF THIS APPLICATION**

None.

**ALL FOREIGN APPLICATIONS, IF ANY, FILED MORE THAN 12 MONTHS
PRIOR TO THE FILING DATE OF THIS APPLICATION**

None.

**CLAIM FOR BENEFIT OF PRIOR U.S. APPLICATION
UNDER 35 U.S.C. 120:**

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Co-pending application Serial No. 09/343,643 filed July 8, 1999, which in turn claimed the benefit of Provisional Application Serial No. 60/112,678 filed December 12, 1998.

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following attorney(s) and/or agents(s) to prosecute this application *and all corresponding foreign applications* and transact all business in the Patent and Trademark office connected therewith: Gene W. Arant (Reg. No. 17,936) and Larry D. Baker (Reg. No. 39,593), of counsel, of the Law Offices of Gene W. Arant, located at 674 County Square Drive, Suite 205, Ventura, California, 93003-5452.

SEND CORRESPONDENCE TO:

Gene W. Arant
Law Offices of Gene W. Arant
674 County Square Drive, #205
Ventura, CA 93003-5452

DIRECT TELEPHONE CALLS TO:

Gene W. Arant
(805) 650-9620

FULL NAME OF INVENTOR 1:

LAST NAME: Walker FIRST NAME: Douglas MIDDLE NAME: W.
CITY: Ventura STATE OR FOREIGN COUNTRY: CA COUNTRY OF CITIZENSHIP: USA
POST OFFICE ADDRESS: 1076 E. Front Street, Unit A CITY: Ventura STATE OR COUNTRY: CA ZIP CODE: 93001

FULL NAME OF INVENTOR 2:

LAST NAME: Ordaz FIRST NAME: Frank MIDDLE NAME: M.
CITY: Ventura STATE OR FOREIGN COUNTRY: CA COUNTRY OF CITIZENSHIP: USA
POST OFFICE ADDRESS: 1076 E. Front Street, Unit A CITY: Ventura STATE OR COUNTRY: CA ZIP CODE: 93001

FULL NAME OF INVENTOR 3:

LAST NAME: Olson FIRST NAME: M. MIDDLE NAME: Terry.
CITY: Ventura STATE OR FOREIGN COUNTRY: CA COUNTRY OF CITIZENSHIP: USA
POST OFFICE ADDRESS: 1076 E. Front Street, Unit A CITY: Ventura STATE OR COUNTRY: CA ZIP CODE: 93001

THE HISTORY OF THE UNITED STATES

SIGNATURE OF INVENTOR 1: [Signature] DATED: 9/20/00

SIGNATURE OF INVENTOR 2: Frank M. Ordaz DATED: 9/19/00

SIGNATURE OF INVENTOR 3: M. Terry Olson DATED: 9-19-00